



**SUPPLEMENTARY REPORT TO THE COMMITTEE ON ECONOMIC, SOCIAL AND
CULTURAL – UNITED NATIONS 2025**

**“The reality of the New Public Education in Chile – Local Public Education Service Valparaíso
– Juan Fernandez”**

1. Identification of the Organization

Name	Association of General Centers for Mothers, Fathers and Guardians of Public Education in Valparaíso, Chile.
Country	Chile
Type of Organization	Community Civil Organization of the city of Valparaíso.
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2. Executive Summary:

1. Problems Identified / Relevance of the Report / Recommendations and suggestions to address the problem

In recent years, public education in Chile has undergone the largest reform since the Full School Day (JEC) was introduced, with the implementation of Law 21.040, known as the new Public Education Law. This legislation establishes the transfer of educational establishments administered by Municipal Education Administration Departments (DAEM) or Municipal Corporations to a new management model called Local Public Education Services (SLEP). Its implementation is being carried out gradually throughout the country, with the goal of creating a total of 70 local services to administer all public establishments, including kindergartens, schools, high schools, and educational centers.

One of the first SLEPs to be implemented was the Valparaíso-Juan Fernández SLEP, in 2021, in the midst of the pandemic. This service began to manage the educational establishments that depended on the Municipality of Valparaíso and the Insular School, belonging to the Municipality of the Juan Fernández Archipelago. The transfer exposed the precariousness and the historical and inefficient lack of investment of the public education system.

Regarding the concluding observations of Chile's fourth periodic report, issued by the United Nations in 2015, the Committee on Economic, Social and Cultural Rights expressed its concern, in point 30 on the Right to Education, noting:

“its concern about the scarcity of resources and the low quality of public education, [which] continues to cause high segregation and discrimination on socio-economic grounds, thus limiting social mobility in the State party” (art. 13) (p. 10, E/C.12/CHL/CO/4).

In response, the CDESC recommended the following to the State of Chile:

a) Adopt measures to guarantee the reform of the education system, eliminating all mechanisms that discriminate against and segregate students based on socioeconomic grounds, ensuring, among other things, the effective implementation of the Inclusion Law, which regulates the student admissions process.



b) Take urgent action to overcome the marked disparities in the quality of education between private, subsidized and public schools, ensuring that all establishments have adequate infrastructure and properly trained teaching staff (p. 10, E/C.12/CHL/CO/4).

Currently, the 66 facilities managed by SLEP Valparaíso are in critical infrastructure conditions. The deficiencies include universal accessibility, furniture, basic supplies, heating, sanitation, as well as pedagogical, educational, participatory, community, and training resources.

Structural instability and lack of maintenance have had serious consequences. Workplace accidents involving teachers have occurred, and in September 2024, a student was left paraplegic due to the collapse of poorly maintained furniture.

Added to this is the lack of information and training for educational communities—including SLEP workers, management teams, teachers, parents, students, and the general public—regarding the scope of the New Public Education. This situation has created difficulties in participation, coexistence, and understanding of the new regulatory framework.

Although the New Public Education (NEP) is proposed as a reform oriented toward inclusion, its effective implementation has been hampered by a lack of the economic, legal, pedagogical, and technical resources necessary to guarantee adequate educational services for students with special educational needs (SEN) and people with disabilities (PwD).

Since 2021, our civil society organization has been developing multiple initiatives, actions, and requests addressed to institutions, authorities, and the community at large, with the aim of highlighting and addressing the serious situation facing public education today. This crisis directly impacts thousands of students, their families, and education workers, seriously compromising the present and future of the Chilean state.

We wish to highlight that, to date, the Chilean State still has a pending debt regarding the effective fulfillment of the Right to Education.

3. Introduction

The CGMPA Association of Public Education of Valparaíso, has its origin in the doubts, questions and problems that the educational communities presented before the installation of a new administration mechanism of the educational establishments of the commune of Valparaíso, since during the municipal administration the precariousness, infrastructure problems, lack of supplies, lack of maintenance of educational spaces, misuse of educational spaces, lack of personnel and training, were part of the constant demands and claims made to the Municipal Corporation of Valparaíso.

With the installation of a Local Public Education Service and protected by a new Public Education Law, the communities visualized the responses to years of needs presented by the public education community in general, but as time went by and with a transfer from the Municipality of Valparaíso with major deficiencies and errors, which will persist for many years, since among these errors are educational lands without title deeds (3 EE), establishments without drinking water and sewage services (2 EE), defective infrastructure and land (4 EE), lack of educational spaces (5 EE), land with seizure orders (1 EE), leases and uses of educational spaces without support, to mention the most serious deficiencies, have called into question the installation

efficient and effective of a service that in these 4 years, has already had 3 Executive Directors appointed by the state of Chile, with supervision and support from the MINEDUC and the DEP, an entity created by law to



provide work guidelines, financing, and national coordination to the different SLEPs.

It is in response to the above and with the common causes of the educational communities, represented by their parent leaderships, most of them women, workers and caregivers, that we began to meet and seek common ground for communication and relationships with authorities and institutions, in order to present ourselves before a new form of communication and participation based on Law 21.040, with the aim of making our needs visible to the representatives, authorities and institutions responsible for the well-being of students, their families and their educational community.

Throughout this time as an association we have been making visible, not only the needs and problems of infrastructure, but also the lack of economic resources and legal loopholes in the implementation of laws that seek to promote the inclusion and full development of people with disabilities, as well as the gaps of misinformation and ignorance on the part of communities and workers, about the active participation of educational actors within the framework of Law 21,040, Decree 565, among others, as well as with regard to norms and regulations of coexistence that produce a reactive and not preventive effect on the education of children and adolescents in the Safe Classroom Law.

To illustrate the current problems facing public education, we will address four critical areas where the Chilean state is failing to fully exercise the right to education.

1) Infrastructure 2) Inclusion 3) Safe Classroom 4) Participation 5) Financing

3.1 Infrastructure

The last major investment in the construction of public educational infrastructure took place within the framework of the ENU in 1970, through the so-called Sociedad Constructora de Establecimientos Educacionales (Educational Establishment Construction Company), educational spaces built for this purpose. To date, the only new construction carried out by the municipal administration was the Oscar Quiroz School in the 2000s, which was located on private land, so the community only occupied the infrastructure for a time. Today, it shares space with another educational community, as is the reality of 5 other communities that must share spaces until their educational spaces are enabled or built, evidencing overcrowding in the communities and a loss of each community's own identity.

During field visits carried out between 2024 and 2025 by the leadership to educational establishments and the information provided by users and community leaders, a report sheet on the status of the establishments* was created, which has been material information, visibility from communal, regional, and national authorities, and even letters delivered personally to the Presidency.

The serious structural crisis facing public education in Valparaíso, particularly in terms of infrastructure, has ceased to be an administrative or technical problem: it has transformed into a systematic violation of the right to education, and today constitutes a humanitarian emergency in the educational sphere.

According to the survey conducted by the Association of General Centers for Mothers, Fathers and Guardians of the territory during 2024-2025, through visits, community inspections, and reports from school administrations: 63 of the 66 establishments under the Valparaíso SLEP have severe or critical structural damage. More than 90% of schools lack universal accessibility, limiting the entry and movement of students with reduced mobility, in direct violation of Law 20.422. In at least 35 facilities, health services do not meet the minimum standards required to obtain or maintain official state recognition. Students, teachers and education workers have been injured by falling roofs,



Furniture collapses and short circuits. One of the most serious cases occurred in 2024, when a student was left paraplegic after an accident caused by poorly maintained furniture.

In areas such as Playa Ancha, Cerro Toro, Placilla, and Laguna Verde, schools operate with collapsed roofs, active leaks, frequent water outages, and no basic heating system.

Added to this is the lack of corrective and preventative maintenance, the absence of conservation plans, and the SLEP's failure to respond timely to emergency requests. In some cases, communities have had to suspend classes for weeks at a time due to unhealthy or unsafe conditions, with serious impacts on the continuity of learning and school attendance.

Despite the numerous communications sent by management, communities, and our association to the Children's Ombudsman's Office, the Superintendency of Education, and the Ministry of Education, there has been no sufficient institutional response or emergency resources allocated to address this situation.

3.2 Inclusion
Law 20.370, which establishes the General Education Law by the MINEDUC in article number 23, makes an indication about special or differential education in the modality of the educational system, indicating the development in the different educational levels, in a tip it is indicated that medical evaluations must be presented annually, even in those permanent disabilities (Autism, Intellectual Deficiency, Deafness, Reduced Mobility, etc.) Such a request creates unnecessary stress for the student's families and caregivers, many of whom Users of the Public Health system, which is overwhelmed due to the lack of medical professionals, only to request the completion of a form to determine if the student needs curricular adjustments. This document must even be completed by those students who have a disability card issued by the institutions and certify their disability, becoming an incapacitating educational system in terms of documentation and information and without a network with other public services. Regarding universal accessibility, 99.9% of establishments do not have it. Currently, people with disabilities only have access to part of some establishments. Ramps are only available at some entrances or exits, but not inside them, restricting their freedom to move around and use educational spaces such as libraries, laboratories, and computer labs. At the same time, from JUNAEB, the entity in charge of delivering food and school supplies, there is no list of supplies for students with SEN or PcD, delivering materials that do not contribute to the pedagogical development for both the student and the teacher who must adapt content in the absence of it, along with this, special education establishments or students with disabilities, who attend regular educational modality, do not have furniture or supplies for the care of their users, the community having to generate its own resources through donations for the purchase or acquisition of these, in order to fulfill the purpose of public education, which is to educate. Regarding sanitary services, in order for educational establishments to have Official Recognition, many of them do not meet the minimum standard, both for regular students and for students and PwD, going from reporting to SUPEREDUC. This institution supervises the establishments, generating a financial fine for each violation, a fine that increases the financial deficit of an educational system in economic crisis, due to the financing system. We can hardly expect equal opportunities and inclusion in society for people with disabilities, since there are no educational centers, schools or colleges that can provide that opportunity for our sons and daughters to develop their skills to the maximum within everything that is Law 2013/70. The urgent need for a law on differential education is evident, Decree 170 is more than anything the regulation on how to apply the other decrees but this also makes it tremendously exclusive, since



that students with special educational needs only have the right to attend a training center until they are 25 years, 11 months, and 29 days old, which represents a huge injustice for both the families who care for them and for the PdC, since many people with neurodivergence reach their developmental maturity later, and therefore need greater educational support.

Decree 300, an educational decree-law that I do not consider funding, would allow people with disabilities over the age of 26 to apply for special educational centers.

Law 21.545, known as the autism law, also did not consider financing or extra support for students who have the condition, being a majority of enrollments in establishments

SLEP Valparaíso educational centers, generating greater wear and tear in the care of workers, seeking to provide educational services in spaces that do not offer the well-being for learning and caring for students.

From an improvement perspective, the creation of a law on special education in Chile is necessary. An example of this need is the 16.4% of the population in Valparaíso with disabilities. The municipality currently has five special education centers, which do not meet the demand.

3.3 Safe Classroom

a) Regulatory framework: Law No. 21,128 – “Safe Classroom”

The Safe Classroom Act was promoted as a measure to address incidents of school violence, particularly in public high schools. This legislation empowers school principals to expeditiously suspend or expel students involved in incidents considered "serious disturbances of order" or "acts of violence," without first having to exhaust educational or restorative measures.

Although its stated objective is to protect the school environment, in practice this regulation has operated as a tool of punitive control, limiting student political participation and reinforcing mechanisms of exclusion that primarily affect young people from working-class backgrounds.

Impact on the exercise of the right to education

B) Criminalization of student protests

Since 2018, student organizations have documented at least 1,200 cases of sanctions applied under this law, many of them related to legitimate protests in defense of social and educational rights. This disproportionate use has led to school disengagement, stigmatization, and restrictions on the right to participate.

Erosion of the pedagogical role of conflict

The punitive approach disrupts the pedagogical treatment of conflict, inhibits the development of civic skills, and eliminates the possibility of resolving tensions through dialogue. School communities lack sufficient state support to implement restorative methodologies.

c) Institutional deficit

The application of this law occurs in contexts lacking clear protocols; many establishments lack psychosocial teams or legal counsel to guarantee due process in the sanctions imposed, which opens the door to arbitrary decisions.

Obstacles to educational continuity and exclusion from benefits

Sanctions under this law—expulsions or suspensions—are recorded in students' academic records, directly affecting their eligibility for support programs such as:

- President of the Republic Scholarship
- School Retention Scholarship



- Indigenous Scholarship

These scholarships require regular attendance, outstanding behavior, and continued education.

Sanctions, therefore, not only expel students from the education system, but also close off opportunities for reintegration, deepening inequalities and violating the principle of progressiveness of the right to education.

d) Violation of Article 13 of the ICESCR

The ESCR Committee has maintained, in its General Comment No. 13^o, that education must be accessible, acceptable, adaptable, and of high quality. The application of immediate sanctions, without guarantees of reintegration and without parallel educational processes, is incompatible with this framework. The Safe Classroom Law represents a regulatory setback in the guarantee of the right to education, particularly in its inclusion and permanence dimensions.

3.4 Participation

a) Regulatory framework: Law 21.040 and the right to participation

Law 21.040, which created the new Public Education System in Chile, establishes as one of its fundamental principles the active participation of all stakeholders in the educational community: students, mothers, fathers, guardians, educational assistants, and workers in general. This participation is formally expressed through collegial bodies such as:

- Local Public Education Council (CLEP)
- Local Steering Committee
- School Councils •
- Parent and Guardian Centers
- Student Centers
- Instances of participation of Education Assistants

Article 19 of the Law establishes that the Local Council must have a representative, advisory, and binding role in the guidelines of the Local Service. It also defines the State's duty to guarantee effective mechanisms for deliberation and decision-making in the planning, evaluation, and improvement of educational processes.

b) Failure to comply with participation spaces

Despite the advanced regulatory framework, these spaces have not been effectively implemented in practice. To date, no such spaces have been established in the Valparaíso-Juan Fernández SLEP territory.

The Local Education Council and the Local Steering Committee have been efficiently established. Attempts to establish them have been marked by a lack of coordination, institutional support, lack of understanding of their functions, and a lack of technical training to perform representative roles.

Parent-Teacher Centers and Student Centers operate without the methodological support or resources to guarantee substantive participation in educational processes. In many cases, the call for participation is limited to informational or bureaucratic meetings, with no opportunity to influence pedagogical, budgetary, or regulatory decisions.

c) Role of management teams: active blocking and undue intervention

In numerous establishments in the territory, it has been observed that management teams directly interfere in the spaces for participation, preventing their autonomous and representative development.



school directives:

- They block the formation of centers for mothers, fathers, and guardians through administrative obstacles or control of information;
- They intervene in their internal processes, appointing representatives unilaterally or manipulating the election processes;
- hinder or prevent the holding of meetings, voting or dissemination of information;
- hinder the effective participation of students and educational assistants in school councils or collective decision-making.

These practices directly violate the regulatory framework of Law 21.040, which requires administrators to ensure the effective participation of all levels. However, there is no real oversight or sanction mechanism for these violations, leaving educational communities completely defenseless.

d) Structural obstacles: coercion, misinformation and working conditions

The failure to comply with the principle of participation is aggravated by structural and socio-laboral conditions that affect family and community life:

- The persistence of coercive and top-down measures by educational authorities and managers discourages critical organization and expression, especially when these denounce irregularities or demand improvements
- The lack of civic, legal, and technical training. Most parents, students, and employees are unaware of their rights and responsibilities under Law 21.040. There are no sustained state training strategies to strengthen school democracy.
- Ministerial participation sessions, while they may appear to be an inclusion strategy, are neither mandatory nor systematic, and are often convened outside of reasonable timeframes, making it difficult for families and community stakeholders to prepare and participate effectively.
- There is no policy in Chile that guarantees effective leave from work for the exercise of parental co-responsibility at school. This means that many meetings or participatory activities are held at times that are inappropriate or incompatible with families' workloads, leading to a gradual withdrawal of mothers, fathers, and guardians from school life.

This situation is reflected in the steady decline in participation in parent-teacher meetings, advisory activities, community work sessions, and school recreational spaces, weakening the community fabric and the trust between educational stakeholders.

Participation in the New Public Education, understood as a right and legal principle, has remained at the declarative level, without sufficient will or effort from the State to make it effective. Instead of fostering community empowerment, the prevailing practices,

We request the ESCR Committee to urge the State of Chile to:

1. Ensure effective compliance with the principle of participation established in Law 21,040.
2. Establish a system of supervision and sanctions for non-compliance by teams managers or administrative bodies.
3. Implement ongoing training for mothers, fathers, guardians, students, and educational assistants on matters of rights, educational legislation, and school governance.
4. Recognize participation as an enforceable social right, incorporating legislative measures that allow the effective exercise of school co-responsibility, including work permits for



educational activities.

5. Monitor and promote the effective functioning of School Councils, CLEPs, and other participatory bodies, with a rights-based approach and community representation.

3.5 Financing

The current financing of Public Education is based on the Subsidy Law that was established in 1981 and corresponds to a payment per student who attends classes, which is differentiated by level and modality of teaching, given the characteristics of the students who use public education in the commune, low-income families, homes without access to transportation, high percentage of users and families with some degree of disability, high suspension of classes due to infrastructure problems in establishments, make this financing for Public Education unsustainable, therefore considering a basal financing and considering the current conditions, it is urgent to change the financing system by the State of Chile, since using data figures related to attendance from the previous year, levels of vulnerability of families, academic performance, etc., an amount is generated for the education of the student, a value that does not cover educational needs and maintenance of the establishments.

In the face of a lack of funding, the role of self-management by educational communities is becoming a standard for the survival of educational spaces, appealing to the collection of resources through community-organized activities as a way to meet needs and emergencies, such as heating, food, repairs, supplies, pedagogical experiences, etc.

Regarding food, it is necessary to report that the state service provider, JUNAEB, responsible for providing food and student health supplies, is also in a state of deficit, since the food rations do not cover the nutritional needs of students, as well as the low quality of these, along with the lack of medical, orthopedic and dental care, have not been covered for years, despite being established by law.

4. Thematic Analysis

In light of the above and reported, the State of Chile is currently in a situation of non-compliance with the following points:

1. Compliance with Article 13 of the ICESCR.
2. Previous observations of the DESC committee of the year 2015.
3. List of Preliminary Issues 2020. Paragraph 26

5. General Conclusion General assessment of compliance with the standards linked to the ICESCR in the country/ You identify the strategic priorities that the organization sees for the state./ Request and argue why the committee should include the suggested recommendations

Public Education is currently in a state of catastrophe, not only in terms of infrastructure but also in terms of financing, making it unsustainable to carry out educational projects that allow for the full development of the capacities and skills of thousands of students. The challenge posed by current educational policies makes the promoted objective of developing the formation of future integral citizens of our country a dead letter in the day-to-day reality of all educational communities in the country and in the municipality of Valparaíso.

From the organized communities of the territory, we publicly declare that the situation of the



The lack of educational infrastructure at the Valparaíso-Juan Fernández SLEP constitutes a State of Educational Catastrophe. This situation not only affects the dignity of children and adolescents, but also openly violates:

Article 13 of the ICESCR.

Article 28 of the Convention on the Rights of the Child (access to education in conditions of safety and dignity).

The General Education Law in Chile (Law 20.370), which guarantees the right to learn in adequate spaces.

The principle of equality before the law and non-discrimination across borders, since public institutions in the region are in much more precarious conditions than those of subsidized private providers.

We request the ESCR Committee to:

1. Demand that the Chilean State implement a national emergency plan for public school infrastructure, starting with critical areas like Valparaíso.
2. Monitor actual progress on budget commitments for school infrastructure, with public reporting and binding participation of educational communities.
3. Implementation and creation of a special education policy with funding and a regulatory framework based on the right of people with disabilities to education.
3. Recommend the establishment of international monitoring in territories where the right to education is structurally violated, as a mechanism of international pressure for the effective guarantee of the ICESCR.

In light of this information, it is our duty as mothers, fathers, guardians, and caregivers to raise these needs, shortcomings, and concerns with the United Nations Committee on ESCR (Decree on Education) for the purpose of mediating, reviewing, and requesting the necessary changes to make Chile's public education dignified, inclusive, safe, and participatory.

6. Annexes





LA TERCERA PM

Se reaviva crisis en colegios SLEP: Menor que cayó de una gradería en mal estado en Valparaíso arriesga perder movilidad

La Subsecretaría de Educación anunció un sumario investigativo, el ministro Cataldo viajó a la zona y los familiares denuncian que las menores fueron dadas de alta anticipadamente.

 Por Maximiliano Estrada

27 SEPTIEMBRE 2024

Links

https://www.dipres.gob.cl/597/articles-205704_informe_final.pdf / DIPRES Public Education Infrastructure Report : Experts conclude visit to evaluate Law 21 040 / UNDP Experts visit <https://www.bcn.cl/historiadelaey/nc/historia-de-la-ley/7106/> / History Law 21040 New Public Education <https://www.bcn.cl/leychile/navegar?i=1127100&f=2018-12-27> / Safe Classroom Law <https://www.bcn.cl/leychile/navegar?idNorma=1190123&idParte=10414074&idVersion=2023-03-10> / Autism Law Chile - Law 15720 - Library of the National Congress / JUNAEB <https://www.bcn.cl/leychile/navegar?idNorma=1014974> / General Education Law in Chile

Acronyms NNA = Children and Adolescents / NEE = Special Educational Needs EE = Educational Establishments / SLEP = Local Public Education Service DEP = Public Education Directorate. / MINEDUC = Ministry of Education JUNAEB = School Aid and Scholarship Board / PcD = Person with Disability. ENU= National Unified School /CLEP= Local Council of Public Education. SUPEREDUC= Superintendency of Education